

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

USA FOOTBALL, INC.,

Plaintiff,

v.

**FFWCT, LLC, USA FLAG, LLC, and
TRAVIS BURNETT,**

Defendants.

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**CIVIL ACTION NO.
4:23-cv-00516-ALM**

**DECLARATION OF TAYLOR HARRIS IN SUPPORT OF FFWCT, LLC’S, USA FLAG,
LLC’S, AND TRAVIS BURNETT’S RESPONSE TO USA FOOTBALL, INC.’S MOTION
FOR SUMMARY JUDGMENT AND BRIEF IN SUPPORT**

1. My name is Taylor Harris. I am over 18 years of age, of sound mind, and fully competent to make this declaration.

2. I am authorized to sign this declaration as an attorney of Scheef & Stone, LLP, which is counsel of record for FFWCT, LLC, USA Flag, LLC, and Travis Burnett (collectively, “USA Flag”) in the above-referenced matter. In that capacity, I am familiar with the records and the type of records that have produced during the litigation and in the normal course of Scheef & Stone, LLP’s work as counsel for USA Flag. The matters stated herein are true and correct and based upon the records and information kept in the normal course of business.

3. On or about January 24, 2024, counsel for USA Football, Inc., Anne Ricchiuto, served via email a document titled “713-006 Botner Expert Report Report and Exhibits 1-25-24.pdf.” The first 39 pages of that document contain the expert report of Dr. Keith A. Botner which has been filed with the Court and attached to USA Football, Inc.’s Motion for Summary Judgment as Dkt. 62-51. The remaining pages contain the exhibits to the expert report. These exhibits

included a “Survey Data File” and “Survey Data Map” (Exhibit 9) and “Codes for Analyzing Open-Ended Responses” (Exhibit 10). Six minutes after Ms. Ricchiuto’s email was circulated, I received an email from Susan Kaspar at notifications@lexworkplace.com re: “Documents from Peele Law Group” which contained a document download link. The files contained therein included the same Botner expert report and exhibits, as well as native Excel files containing Excel versions of the “Survey Data File” and “Survey Data Map” which were referenced as Exhibit 9 to the Botner Report.

4. Attached hereto as **Exhibit A** is a true and correct copy of the Survey Data Map which I used to analyze data contained in the Survey Data File.

5. Using the information contained in the Survey Data File and Survey Data Map Excel spreadsheet — I sorted and isolated certain responses of test group respondents to allow the Court to more easily review and analyze the relevant data contained in the Survey Data File. The variables and descriptions of the isolated data are identified below, pursuant to the information contained in the Survey Data Map file:

Variable	Description
Respondent_ID	Respondent ID
Q.2_1	Below are pictures of the web pages you just viewed. Please select the web pages that you think are owned or operated by the same company or organization, or you may select “I don’t know.” To select a response, click or tap the check box next to it. When you are done, please click or tap the “Next” button at the bottom of the screen. (SELECT ALL THAT APPLY) - USA Football
Q.2_2	Below are pictures of the web pages you just viewed. Please select the web pages that you think are owned or operated by the same company or organization, or you may select “I don’t know.” To select a response, click or tap the check box next to it. When you are done, please click or tap the “Next” button at the bottom of the screen. (SELECT ALL THAT APPLY) - USA Flag

Q.2_3	Below are pictures of the web pages you just viewed. Please select the web pages that you think are owned or operated by the same company or organization, or you may select "I don't know." To select a response, click or tap the check box next to it. When you are done, please click or tap the "Next" button at the bottom of the screen. (SELECT ALL THAT APPLY) - NFL Flag
Q.2_4	Below are pictures of the web pages you just viewed. Please select the web pages that you think are owned or operated by the same company or organization, or you may select "I don't know." To select a response, click or tap the check box next to it. When you are done, please click or tap the "Next" button at the bottom of the screen. (SELECT ALL THAT APPLY) - American Flag Football League
Q.3_TEXT	You indicated that the two web pages below are owned or operated by the same company or organization. What makes you think that? Please be as specific as possible. - , - Text
Q.5_1	Below are pictures of the web pages you just viewed. Please select the web pages from companies or organizations that you think are connected or affiliated with each other, or you may select "I don't know." To select a response, click or tap the check box next to it. When you are done, please click or tap the "Next" button at the bottom of the screen. (SELECT ALL THAT APPLY) - USA Football
Q5_2	Below are pictures of the web pages you just viewed. Please select the web pages from companies or organizations that you think are connected or affiliated with each other, or you may select "I don't know." To select a response, click or tap the check box next to it. When you are done, please click or tap the "Next" button at the bottom of the screen. (SELECT ALL THAT APPLY) - USA Flag
Q5_3	Below are pictures of the web pages you just viewed. Please select the web pages from companies or organizations that you think are connected or affiliated with each other, or you may select "I don't know." To select a response, click or tap the check box next to it. When you are done, please click or tap the "Next" button at the bottom of the screen. (SELECT ALL THAT APPLY) - NFL Flag
Q5_4	Below are pictures of the web pages you just viewed. Please select the web pages from companies or organizations that you think are connected or affiliated with each other, or you may select "I don't know." To select a response, click or tap the check box next to it. When you are done, please click or tap the "Next" button at the bottom of the screen. (SELECT ALL THAT APPLY) - American Flag Football League
Q.6_TEXT	You indicated that the two web pages below are from companies or organizations that are connected or affiliated. What makes you think that? Please be as specific as possible. - , - Text

6. Utilizing the above information and responses from the Survey Data File, I isolated the test group respondents' answers to Questions 2, 3, 5, and 6, and highlighted the 109 respondents that Dr. Botner opined were "confused" according to his report. Using this data, I created **Exhibit B**. The data contained in **Exhibit B** was derived solely from the Survey Data File, was not manipulated, and was created for the Court's ease of reference.

7. To allow the Court to focus on the test respondents' answers to Questions 3 and 6 — I created **Exhibit C** and highlighted the answers that mentioned the term "USA" as the source of confusion. The data contained in **Exhibit C** was derived solely from the Survey Data File, was not manipulated, and was created for the Court's ease of reference.

8. To allow the Court to focus on the test respondents who selected three or four entities as being "the same company" or "affiliated or connected" companies (i.e., USAFB + USA Flag + NFL Flag and/or AFFL) — I created **Exhibit D** and highlighted the test respondents' selections. The data contained in **Exhibit D** was derived solely from the Survey Data File, was not manipulated, and was created for the Court's ease of reference.

9. I declare under penalty of perjury that the foregoing is true and correct and is within my personal knowledge.

Executed this 21st day of June, 2024.

Signature: _____

A handwritten signature in blue ink, appearing to read "Taylor Harris", is written over a horizontal line.